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UNITED STATES PATENT AND TRADEMARK OFFICE

 COMMISSIONER FOR PATENTS
 UNITED STATES PATENT AND TRADEMARK OFFICE
 WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/068,551	02/05/2002	Jeffrey E. Thomas	9855-9U2

CONFIRMATION NO. 8294

 000570
 AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.
 ONE COMMERCE SQUARE
 2005 MARKET STREET, SUITE 2200
 PHILADELPHIA, PA 19103

FORMALITIES LETTER



OC000000007575145

Date Mailed: 03/04/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 370 to complete the basic filing fee for a small entity.
- Total additional claim fee(s) for this application is \$990.
 - \$486 for 54 total claims over 20.
 - \$504 for 12 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1425.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

 06/11/2002 ZJUHAR1 00000082 10068551
 01 FC:201 370.00 00
 02 FC:202 126.00 00
 03 FC:203 27.00 00
 04 FC:205 65.00 00



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CERTIFICATE OF MAILING

Date of Deposit: May 31, 2002

I hereby certify that this **RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION UNDER 37 CFR 1.53(b)** and associated papers and fees are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope on the date indicated above and is addressed to: **Box Missing Parts, Commissioner for Patents, Washington, D.C. 20231.**

Nancy L. Wasikowski
Nancy L. Wasikowski

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF : Jeffrey E. Thomas

FOR : **NITRIC OXIDE DONOR
COMPOSITIONS, METHODS,
APPARATUS, AND KITS FOR
PREVENTING OR ALLEVIATING
VASOCONSTRICTION OR
VASOSPASM IN A MAMMAL**

SERIAL NO. : 10/068,551

FILED : February 5, 2002

EXAMINER : Not Yet Assigned

ATTORNEY DOCKET NO. : 26998.2

Cleveland, Ohio 44114-2378
May 31, 2002

**RESPONSE TO NOTICE TO FILE MISSING PARTS
OF APPLICATION UNDER 37 CFR 1.53(b)**

Box MISSING PARTS
Commissioner for Patents
Washington, D. C. 20231

Dear Sir:

Responsive to the Notice to File Missing Parts of Nonprovisional Application
issued March 4, 2002 on the above-captioned U.S. continuation-in-part patent application,

a "*Combined Declaration and Power of Attorney for Patent Application*" is enclosed herewith.

The enclosed Declaration has been duly executed by the inventor identified in those papers originally filed with the application.

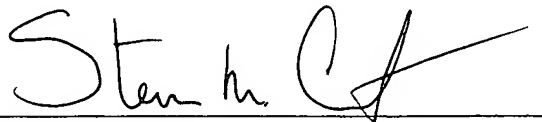
A check in the amount of six hundred forty-three dollars (**\$643.00**) is enclosed to cover payment of the following: (1) the basic filing fee for a small entity (\$370.00); (2) total additional claim fees for this application (\$153.00); (3) the surcharge (\$65.00) for a small entity required under 37 CFR 1.16(e) for filing the Declaration later than the filing date of the application itself; and (4) a Request for a One-Month Extension of Time (\$55.00) for a small entity.

Please charge any additional fees or credit overpayment to Deposit Account No. **02-2051**.

The foregoing submissions are believed to meet the requirements of the *Notice to File Missing Parts of Nonprovisional Application*, and the Applicant awaits further action on the application from the U.S. Patent and Trademark Office.

Respectfully submitted,

**BENESCH, FRIEDLANDER,
COPLAN & ARONOFF LLP**



DATED: May 31, 2002

Steven M. Auvil
Reg. No. 40,492

2300 BP Tower
200 Public Square
Cleveland, OH 44114-2378
Telephone: 1.216.363.4686
Facsimile: 1.216.363.4588
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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

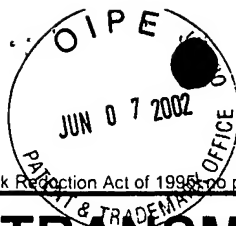
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/068,551	
	Filing Date	02/05/2002	
	First Named Inventor	Jeffrey E. Thomas	
	Group Art Unit	1616	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	-12-	Attorney Docket Number	26998.2

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		
RETURN RECEIPT POSTCARD		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Steven M. Auvil, Esq. BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP
Signature	
Date	05/31/2002

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 05/31/2002			
Typed or printed name	Nancy L. Wasikowski		
Signature		Date	05/31/2002

Burden Hour Statement: This form is estimated to take 12 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



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PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 643.00

Complete if Known

Application Number	10/068,551
Filing Date	02/05/2002
First Named Inventor	Jeffrey E. Thomas
Examiner Name	Not Yet Assigned
Group Art Unit	1616
Attorney Docket No.	26998.2

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 02-2051
Deposit Account Name: Benesch, Friedlander, Coplan & Aronoff LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101	740	201 370	Utility filing fee	370.00
106	330	206 165	Design filing fee	
107	510	207 255	Plant filing fee	
108	740	208 370	Reissue filing fee	
114	160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$) 370.00

2. EXTRA CLAIM FEES

	Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	23	-20** = 3	9.00	27.00
Multiple Dependent	6	-3** = 3	42.00	126.00

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103	18	203 9	Claims in excess of 20
102	84	202 42	Independent claims in excess of 3
104	280	204 140	Multiple dependent claim, if not paid
109	84	209 42	** Reissue independent claims over original patent
110	18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 153.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65	Surcharge - late filing fee or oath	65.00
127	50	227 25	Surcharge - late provisional filing fee or cover sheet	
139	130	139 130	Non-English specification	
147	2,520	147 2,520	For filing a request for ex parte reexamination	
112	920*	112 920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115	110	215 55	Extension for reply within first month	55.00
116	400	216 200	Extension for reply within second month	
117	920	217 460	Extension for reply within third month	
118	1,440	218 720	Extension for reply within fourth month	
128	1,960	228 980	Extension for reply within fifth month	
119	320	219 160	Notice of Appeal	
120	320	220 160	Filing a brief in support of an appeal	
121	280	221 140	Request for oral hearing	
138	1,510	138 1,510	Petition to institute a public use proceeding	
140	110	240 55	Petition to revive - unavoidable	
141	1,280	241 640	Petition to revive - unintentional	
142	1,280	242 640	Utility issue fee (or reissue)	
143	460	243 230	Design issue fee	
144	620	244 310	Plant issue fee	
122	130	122 130	Petitions to the Commissioner	
123	50	123 50	Processing fee under 37 CFR 1.17(q)	
126	180	126 180	Submission of Information Disclosure Stmt	
581	40	581 40	Recording each patent assignment per property (times number of properties)	
146	740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279 370	Request for Continued Examination (RCE)	
169	900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 120.00

SUBMITTED BY

Name (Print/Type)	Steven M. Auvil, Esq.	Registration No. (Attorney/Agent)	40,492	Telephone	1.216.363.4686
Signature		Date	05/31/2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.